

BASIS FOR THE AMENDMENTS

Claims 1-9, 12-14, 16-18, 20 and 21 have been canceled.

The amendments to Claim 10 find support in the specification and claims as originally filed. See, e.g., Claim 20 and the specification at page 55, line 6 to page 56, line 3 from the bottom.

Claims 11 and 15 have been amended for clarity, and these amendments find support in the original claims.

New Claims 22-26 have been added, and these are drawn to narrower and more preferred embodiments of the invention. These claims find support at original Claims 12, 13 and 16-18.

No new matter is believed to be added by entry of the amendments. Entry and favorable consideration are thus kindly requested. Upon entry of the amendments, Claims 10-11, 15, 19 and 22-26 will be active and in condition for allowance.

REMARKS

Applicants thank the Examiner for considering all the Information Disclosure Statements submitted to date. Thus, with the amendments and arguments submitted herein, this case is believed to be ready for allowance.

Applicants confirm their election of Claims 10-21 made with traverse. Applicants have canceled non-elected Claims 1-9 and reserve the right to pursue these claims in a divisional application.

The rejections under 35 U.S.C. §112, second paragraph, have been obviated by amendment where appropriate and are traversed in-part. Applicants note that there is nothing indefinite about a process limitation in a product claim, and it is improper to reject product-

by-process claims for this reason alone. Applicants kindly point out MPEP §2113 for guidance. Product-by-process claims are perfectly acceptable claims, and the mere fact that they are examined based on the product itself does not make them indefinite. Withdrawal of this ground of rejection is warranted.

The anticipation and obviousness rejections over Hata (and Kido) are obviated by amendment. The invention article avoids the use of intervening adhesive (or primer) layers, and is thus distinguished over the article of Hata. Hata requires an adhesive layer (see, e.g., Claim 1 therein) and is thus outside the scope of the present invention. Because of at least this structural difference, the present invention is thus not anticipated by Hata, and Applicants kindly request that the anticipation rejection be withdrawn.

Hata's deficiency is not cured by the addition of Kido, and thus the obviousness rejection is unsustainable. Kido does not suggest that the intervening adhesive layer should or even could be removed, and thus the present invention is patentable over both the Kido and Hata references. The obviousness rejection is unsustainable, and it should be withdrawn.

As discussed in the specification (see, e.g., pages 55 and 56) the present invention avoids the use of the adhesive (or primer) layer in part because of the method by which the barrier layer (B) is applied. As noted in the examples and comparative examples in the specification beginning at page 70, where examples of the present invention are compared to articles even closer than those of the cited references, the present invention inheres benefits not possible with conventional articles (for example wherein the barrier layer is applied with only solution coating - as in Comparative example 2). Thus, even though a *prima facie* case of obviousness has not been made out, had one been presented it would be rebutted by the ample evidence already of record in this application.

Applicants respectfully submit that this application is now in condition for allowance,
and the Examiner is kindly requested to pass this case to issue.

Respectfully submitted,

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HEREWITH

Please cancel Claims 1-9, 12-14, and 16-18, 20 and 21.

Please amend the claims as follows:

--10. (Amended) A shaped article [produced by applying a powder of] comprising:
a barrier material (B) in contact with [, after melting it, to] at least a part of [the] a
surface [of] a substrate of a polyolefin (A);

wherein no intervening adhesive layer is present between (B) and said surface;

wherein said barrier material (B) comprises at least one selected from the group
consisting of EVOH copolymer, polyamide, aliphatic polyketone, polyester, and a
combination thereof;

and wherein said barrier material (B) is applied to said surface with at least one
method selected from the group consisting of flame spray coating, rotational molding,
fluidized bed coating, and electrostatic coating.

11. (Amended) The shaped article as claimed in claim 10, [which] wherein the
substrate is a product of injection molding.

15. (Amended) The shaped article as claimed in claim 10, [which is] wherein said
substrate is comprised of a co-extrusion blow-molded fuel container that comprises an
interlayer of barrier resin (D) and inner and outer layers of [a] said polyolefin (A).--

--Claims 22-26 are new.--